



COPY OF PAPER
ORIGINALLY FILED

RECEIPT

PATENT
Attorney Docket No.: INVIT1120-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Joseph M. Fernandez et al.

Art Unit:

Serial No.: 09/990,091

Examiner

Filed: November 21, 2001

Title: METHODS FOR PRODUCING LIBRARIES OF EXPRESSIBLE GENE
SEQUENCES

Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, D.C. 20231

RECEIVED

MAR 13 2002

TECH CENTER 1600/2900

REQUEST FOR CORRECTION OF FILING RECEIPT

Sir:

This Communication is submitted to request correction of the filing receipt in reference to the above-identified application. The data requiring correction is indicated in yellow highlight on the attached copy of the filing receipt and herein in **BOLD**.

Please ADD in the priority data to read as follows —**WHICH IS BASED ON U.S.**
SERIAL NO. 09/054,936, FILED APRIL 3, 1998—.

| | |
|---|----------------|
| CERTIFICATION UNDER 37 CFR §1.8 | |
| I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <u>1-10-02</u> , in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 | |
| <u>Gina Nasser</u> | |
| (Name of Person mailing Paper) | |
| <u>[Signature]</u> | <u>1-10-02</u> |
| (Signature of Person Mailing Paper) | Date |

In re Application of:
Joseph M. Fernandez
Application No.: 09/990,091
Filed: November 21, 2001
Page 2

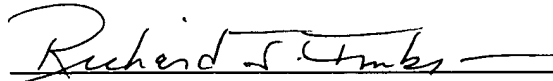
PATENT
Attorney Docket No.: INVIT1120-3

Applicants accordingly request the correction be made of record.

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: January 10, 2002


Richard J. Imbra
Registration No. 37,643
Telephone: (858) 677-1496
Facsimile: (858) 677-1465

USPTO CUSTOMER NO. 28213

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133

DEC 19 2001

COPY OF PAPERS
ORIGINALLY FILED

Page 1 of 2



GRAYCARY/T.ELLIS

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

FEB 11 2002

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY DOCKET NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|----------------|----------|------------|------------|
| 09/990,091 | 11/21/2001 | 1646 | 0.00 | INVIT1120-3 | 1 | 38 | 4 |

CONFIRMATION NO. 1288

28213

GARY CARY WARE & FRIENDENRICH LLP
4365 EXECUTIVE DRIVE
SUITE 1600
SAN DIEGO, CA 92121-2189RECEIVED
MAR 13 2002
TECH CENTER 1600/2900

FILING RECEIPT



OC00000007178773

Date Mailed: 12/10/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)Joseph M. Fernandez, Carlsbad, CA;
John A. Heyman, Rixensart, BELGIUM;
James P. Hoeffler, Carlsbad, CA;
Heather L. Marks-Hull, Oceanside, CA;
Michelle L. Sindici, San Diego, CA;**Assignment For Published Patent Application**

INVITROGEN CORPORATION;

Domestic Priority data as claimed by applicantTHIS APPLICATION IS A CON OF 09/843,281 04/25/2001
WHICH IS A CON OF 09/647,651 ABN
WHICH IS A 371 OF PCT/US99/07270 04/02/1999~~WHICH IS BASED ON U.S. PATENT S/N. 09/054,936 FILED APR 23 1998~~**Foreign Applications**

UNITED STATES OF AMERICA US99/07270 04/02/1999

If Required, Foreign Filing License Granted 12/04/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No



Title

Methods for producing libraries of expressible gene sequences

Preliminary Class

435

RECEIVED

MAR 13 2002

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

TECH CENTER 1600/2900

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

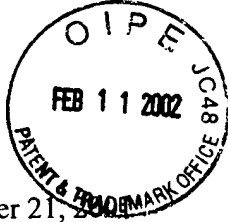
NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

GRAYCARY. TECHNOLOGY'S LEGAL EDGE®

4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133
www.graycary.com

OJ 858-677-1456
FJ 858-677-1465



November 21, 2001

ATTORNEY DOCKET NO.: INVIT1120-3

Parent Application No.: 09/843,281

Parent Filing Date: April 25, 2001

Box PATENT APPLICATION
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

RECEIVED

MAR 13 2002

TECH CENTER 1600/2900

Presented for filing is a new **Continuation** patent application of:

Applicants: Joseph M. Fernandez, John A. Heyman, James P. Hoeffler, Heather L. Marks-Hull and Michelle L. Sindici

Title: METHODS FOR PRODUCING LIBRARIES OF EXPRESSIBLE GENE SEQUENCES

The prior application is assigned of record to INVITROGEN CORPORATION, by virtue of an assignment submitted to the Patent and Trademark Office for recording on July 20, 1998, at Reel 9442, Frame 0493.

Enclosed are the following papers, including all those required to receive a filing date under 37 CFR § 1.53(b):

| | <u>Pages</u> |
|------------------------|--------------|
| Specification | 87 |
| Claims | 5 |
| Abstract | 0 |
| Declaration (unsigned) | 4 |
| Drawings | 1 |

"EXPRESS MAIL" Mailing Label Number: **EV 016 237 013 US**
Date of Deposit: **November 21, 2001**

I hereby certify under 37 C.F.R. § 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the BOX PATENT APPLICATION, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202

ALDON GRIFFIS

(TYPED OR PRINTED NAME OF PERSON MAILING PAPER)

(SIGNATURE OF PERSON MAILING PAPER OR FEE)

SILICON VALLEY SAN DIEGO SAN DIEGO/GOLDEN TRIANGLE SAN FRANCISCO AUSTIN SEATTLE SACRAMENTO LA JOLLA

GRAY CARY WARE & FREIDENRICH LLP

ATTORNEY DOCKET NO.: INVIT1120-3
BOX PATENT APPLICATION

November 21, 2001
 Page Two



**COPY OF PAPERS
 ORIGINALLY FILED**

RECEIVED

MAR 13 2002

Enclosures:

- Copy of Petition for Extension of Time for U.S. Patent Application Serial No. 09/843,281 (2 pages);
- Copy of Petition Requesting Processing and Retention of Patent Application Under 37 CFR § 1.53(f); (3 pages);
- Application Data Sheet (4 pages); and
- Return Receipt Postcard.

TECH CENTER 1600/2900
 MAR 13 2002

This application is a **continuation** and claims the benefit of priority under 35 USC § 120 of U.S. Application Serial No. 09/843,281, filed April 25, 2001; which is a continuation of U.S. Application Serial No. 09/647,651, filed October 2, 2000; which is a U.S. National application under § 371 of PCT patent Application No. US99/07270, filed April 2, 1999; which is based on U.S. patent Application Serial No. 09/054,936, filed April 3, 1998. The disclosure of the prior applications is considered part of and is incorporated by reference in the disclosure of this application.

Preliminarily, on page 1 of the specification, before line 1, insert:

-- This is a **continuation** of U.S. Application Serial No. 09/843,281, filed April 25, 2001; which is a continuation of U.S. Application Serial No. 09/647,651, filed October 2, 2000; which is a U.S. National application under § 371 of PCT patent Application No. US99/07270, filed April 2, 1999; which is based on U.S. patent Application Serial No. 09/054,936, filed April 3, 1998. The disclosure of the prior applications is considered part of and is incorporated by reference in the disclosure of this application.--

| | Number Filed | | Number Extra | | Rate | | | Fee | |
|---|-----------------|---|-----------------|---|-----------------|-----------------|---|-----------------|-----------------|
| | | | | | Small Entity | Large Entity | | Small Entity | Large Entity |
| Total Claims | 38-20 | = | 18 | X | \$09 | \$18 | = | | \$ 324.00 -- |
| Independent Claims | 4-3 | = | 1 | X | \$42 | \$84 | = | \$ -- | \$ 84.00 -- |
| Multiple Dependent Claims Presented: ___ Yes <u>X</u> No | | | | | \$140 | \$280 | | \$ -- | \$ -- |
| BASIC FEE | | | | | | | | \$ 370.00 | \$ 740.00 |
| TOTAL FEE | | | | | | | | | \$.00 |

PLEASE DEFER THE PAYMENT OF THE FILING FEE.

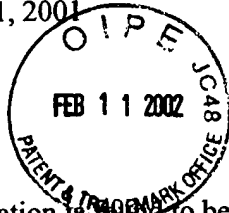
GRAY CARY WARE & FREIDENRICH LLP

COPY OF PAPERS
ORIGINALLY FILED

ATTORNEY DOCKET NO.: INVIT1120-3
BOX PATENT APPLICATION

November 21, 2001

Page Three



RECEIVED

MAR 1 8 2002

TECH CENTER 1600/2900

If this application is found to be INCOMPLETE, or if a telephone conference would otherwise be helpful, please call the undersigned at (858) 677-1456.

Kindly acknowledge receipt of this application by returning the enclosed postcard.

Please send all correspondence to:

Lisa A. Haile, J.D., Ph.D.
GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

Very truly yours,

GRAY CARY WARE & FREIDENRICH LLP

November 21, 2001

Date

Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347
Telephone: (858) 577-1456
Facsimile: (858) 677-1465

LAH/RJI:ag
Enclosures



COPY OF PAPERS
ORIGINALLY FILED

PATENT
Attorney Docket No.: INVIT1120-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Joseph M. Fernandez et al.

Art Unit:

Serial No.: 09/990,091

Examiner

Filed: November 21, 2001

Title: METHODS FOR PRODUCING LIBRARIES OF EXPRESSIBLE GENE
SEQUENCES

Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, D.C. 20231

RECEIVED
MAR 13 2002
TECH CENTER 1600/2900

TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing in connection with the above-identified patent application,
please find the following:

- (1) Request for Corrected Filing Receipt; (2 pgs)
- (2) Copy of Filing Receipt reflecting changes; (2 pgs)
- (3) Copy of Patent Application Transmittal Letter; (3 pgs) and
- (4) Return postcard.

| | |
|---|------------------------|
| CERTIFICATION UNDER 37 CFR §1.8 | |
| I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, <u>1-10-02</u> , in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 | |
| <u>Yinia Najar</u> (Name of Person mailing Paper) | |
| <u>[Signature]</u> (Signature of Person Mailing Paper) | <u>1-10-02</u> Date |

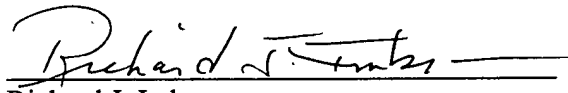
In re Application of:
Joseph M. Fernandez
Application No.: 09/990,091
Filed: November 21, 2001
Page 2

PATENT
Attorney Docket No.: INVIT1120-3

No fee is deemed necessary in connection with the filing of this paper. However, if any fee is required, the Commissioner is hereby authorized to charge the amount of this fee, or credit any overpayments, to Deposit Account No. 50-1355. A copy of this Transmittal Letter is enclosed.

Respectfully submitted,

Date: January 10, 2002


Richard J. Imbra
Registration No. 37,643
Telephone: (858) 677-1496
Facsimile: (858) 677-1465

USPTO CUSTOMER NO. 28213

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133